

AO93 Search and Seizure Warrant

UNITED STATES DISTRICT COURT  
for the  
District of Arizona

In the Matter of the Search of  
Major Case Prints and DNA associated with Devonnie Beth  
Hamalowa, in custody at Core Civic in Florence, Arizona.

Case No. 23-8233MB

**SEARCH AND SEIZURE WARRANT**

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona:

**As further described in Attachment A.**

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal:

**As set forth in Attachment B.**


**YOU ARE COMMANDED** to execute this warrant on or before 5/4/23 (not to exceed 14 days)  
☒ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on criminal duty in the District of Arizona.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized ☐ for 30 days (not to exceed 30) ☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: 4-20-23 12:35pm

  
Judge's signature

City and state: Phoenix, Arizona

Honorable John Z. Boyle, U.S. Magistrate Judge  
Printed name and title

**ATTACHMENT A**

**Person to Be Searched**

Devonne Beth Hamalowa, Defendant 2 in Criminal Case No. CR-22-00751-PHX-JJT,  
who is currently in federal custody at the CoreCivic Facility in Florence, Arizona.



**ATTACHMENT B**

**Particular Things to be Seized**

1. Evidence in the form of deoxyribonucleic acid (DNA) to be obtained from Devonne Beth Hamalowa through buccal swabs placed in the mouth; and
2. Evidence in the form of handprints/palmprints and fingerprints to be obtained Devonne Beth Hamalowa by rolling and/or scanning (depending on what technology is available).

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**Return**

Case No.: 23-8165MB	Date and time warrant executed: 04/14/2023 12:00 pm	Copy of warrant and inventory left with: N/A
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Inventory made in the presence of :  
N/A

Inventory of the property taken and name of any person(s) seized:

Forensic search initiated on 04/14/2023 resulting in the seizure of a forensic image of data stored on the cellular telephone

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: 04/19/2023

**ROBERT J MORIN**

Digitally signed by ROBERT J  
MORIN

Date: 2023.04.19 20:27:57 -07'00'

*Executing officer's signature*

Special Agent Robert Morin

*Printed name and title*

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

In the Matter of the Search of  
Major Case Prints and DNA associated with Devonne Beth  
Hamalowa, in custody at Core Civic in Florence, Arizona.

Case No.

23-8233MB

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

## As further described in Attachment A

located in the District of Arizona, there is now concealed:

## As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is:

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code/Section	Offense Description
18 U.S.C. §§ 371, 1153 & 113(a)(6)	Conspiracy to Commit Assault Resulting in Serious Bodily Injury
18 U.S.C. §§ 1153, 1111 & 2	CIR-First Degree Murder, Aid and Abet
18 U.S.C. §§ 1153, 113(a)(3) & 2	CIR-Assault with a Dangerous Weapon, Aid and Abet
18 U.S.C. §§ 1153, 113(a)(6) & 2	CIR-Assault Resulting in Serious Bodily Injury, Aid and Abet
18 U.S.C. § 924(c)(1)(A)(iii), (j) & 2	Discharging a Firearm During and In Relation to Crimes of Violence, Aid and Abet

The application is based on these facts:

**See attached Affidavit of Special Agent Daniel F. Baker**

☒ Continued on the attached sheet.

☐ Delayed notice of 30 days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Jennifer E. LaGrange  
AUSA Sharon K. Sexton

Digitally signed by  
JENNIFER LAGRANGE  
Date: 2023.04.20  
07:50:45 -07'00'

DANIEL BAKER

Digitally signed by DANIEL BAKER  
Date: 2023.04.20 07:45:52 -07'00'

Applicant's Signature

Daniel F. Baker, FBI Special Agent

Printed name and title

Sworn to telephonically.

Date: 4-20-23 12:35PM

City and state: Phoenix, Arizona

Judge's signature

Honorable John Z. Boyle, U.S. Magistrate Judge

Printed name and title

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**Person to Be Searched**

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who is currently in federal custody at the CoreCivic Facility in Florence, Arizona.



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**AFFIDAVIT IN SUPPORT OF SEARCH WARRANT**

I, Daniel F. Baker, a Special Agent with the Federal Bureau of Investigation (FBI), being duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. As detailed below, there is probable cause to believe that between August 28, 2020 and September 11, 2020, DEVONNE BETH HAMALOWA conspired with her half-brother, CLIFTON NEZ HAMALOWA, to assault the victim, Richard. On August 29, 2020, DEVONNE let CLIFTON into her home and cleared the living area of possible witnesses. CLIFTON shot and killed Richard in front of his minor daughter. Then, DEVONNE, CLIFTON, and their half-brother, THOMAS LEON HAMALOWA, disposed of Richard's body and other evidence of the crime.

2. In June 2022, a federal grand jury indicted DEVONNE with five federal crimes, including: (1) Conspiracy to Commit CIR-Assault Resulting in Serious Bodily Injury, in violation of 18 U.S.C. §§ 371, 1153 & 113(a)(6); (2) CIR-First Degree Murder, Aid and Abet, in violation of 18 U.S.C. §§ 1153, 1111 & 2; (3) CIR-Assault with a Dangerous Weapon, Aid and Abet, in violation of 18 U.S.C. §§ 1153, 113(a)(3) & 2; (4) CIR-Assault Resulting in Serious Bodily Injury, Aid and Abet, in violation of 18 U.S.C. §§ 1153, 113(a)(6) & 2; and (5) Discharging a Firearm During and In Relation to Crimes of Violence, Aid and Abet, in violation of 18 U.S.C. § 924(c)(1)(A)(iii), (j) & 2. *See United States v. Devonne Beth Hamalowa, et al.*, No. CR-22-00751-PHX-JJT. The case is currently set for trial to begin on November 7, 2023. (Doc. 55.)

3. I make this affidavit in support of an application for a search warrant to obtain DEVONNE'S fingerprints, palmprints, and DNA (buccal swabs) to compare with fingerprint, palmprint, and DNA evidence from the scene of Richard's murder. DEVONNE is currently in custody at Core Civic in Florence, Arizona, awaiting trial.

4. I am a graduate of the FBI Academy in Quantico, Virginia. I have been employed with the FBI since June 2015. I am currently assigned to the FBI Phoenix



Division and have primary investigative responsibility in Indian Country matters, including violent crimes such as homicide, sexual assaults, and aggravated assaults. I have been trained in various aspects of law enforcement, including the collection of fingerprints, palmprints, and DNA to further criminal investigations.

5. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other investigators and witnesses. This affidavit is intended to show merely there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. I have set forth only the facts I believe are necessary to establish probable cause to believe that DEVONNE BETH HAMALOWA committed the crimes charged in the indictment, and that evidence of these crimes may be located on her person.

6. These events occurred on the Gila River Indian Community (GRIC), and DEVONNE BETH HAMALOWA is an enrolled member of the GRIC, which is a federally recognized tribe.

#### **DETAILS OF INVESTIGATION**

7. On September 10, 2020, the Gila River Police Department (GRPD) responded to a report that a homicide may have taken place at a residence on the GRIC. GRPD Officer T. Slizewski made contact with C.C., the original reporting party. C.C. said that her granddaughter, K.H., had witnessed her uncles, CLIFTON NEZ HAMALOWA and THOMAS LEON HAMALOWA, murder Richard at her mom's residence.

8. From late on September 10, 2020 into early September 11, 2020, GRPD Officer Slizewski spoke with K.H., who was initially crying hysterically. K.H. stated that at approximately 4:30 a.m. on August 29, 2020, Richard woke her up asking where his car was. K.H. told him that her mother, DEVONNE, left to pick up CLIFTON and THOMAS. K.H. fell asleep and, at approximately 9:00 a.m., woke up when DEVONNE came back.

DEVONNE told K.H. that she and another adult female, T.M., needed to grab the children and go into the master bedroom. K.H. heard DEVONNE exit the residence and return with CLIFTON and THOMAS. DEVONNE, CLIFTON, and THOMAS went to R.O.'s bedroom, and K.H. subsequently heard four gunshots. K.H. advised that she had previously seen CLIFTON carrying a black handgun, but she was unsure of exactly what type. K.H. said that after she heard the gunshots, DEVONNE brought Richard's daughter into the bedroom, then left. Then DEVONNE came into the master bedroom looking for a bedsheet, and cut it into strips. K.H. asked what happened, and DEVONNE told her not to ask questions. DEVONNE said that K.H. did not see or hear anything. DEVONNE said that K.H. and T.M. needed to leave, but DEVONNE would need one of them to return to help with something.

9. Later, K.H. walked out of the room and saw CLIFTON and THOMAS. She overheard a conversation they were having about what to do with the body. THOMAS said they either needed to cut him up and put him in a trashcan, or put him in a vehicle and burn it. K.H. used Richard's vehicle, a purple Mazda, to take T.M. and two of the minor children to another location. She then returned to DEVONNE's house, as instructed. When K.H. went inside, she observed what she described as a body wrapped in a blanket and tarp. At one point, K.H. asked DEVONNE what to say if someone asked her about Richard. DEVONNE told her to "Shut the fuck up." K.H. attempted to gather her things to leave, but ultimately felt too scared to do so. Later, DEVONNE told K.H. to help her uncles, and K.H. observed CLIFTON and THOMAS load the body into Richard's car. CLIFTON and THOMAS left in Richard's car. THOMAS never came back. CLIFTON came back several days later.

10. K.H. said that this had been the first time she met THOMAS. THOMAS told her he was sorry that they had met under such conditions. THOMAS had told her that he

really didn't know what happened, but that he would be there for CLIFTON no matter what because they were family and that is how it is supposed to be.

11. K.H. said that, after her uncles left, DEVONNE instructed K.H. to clean Richard's room. K.H. said that there was a large puddle of blood where it looked like CLIFTON or THOMAS had attempted to clean up. There was also blood on a toddler bed frame, toy box, and other items and areas. DEVONNE requested that the contaminated items be collected so that they could be burned. K.H. separated the items that would burn and those that would not, and moved several items into the master bedroom. For the next few days, K.H. continued to clean Richard's bedroom. DEVONNE and T.M. dumped various items at an unknown location in Coolidge.

12. CLIFTON contacted DEVONNE daily to find out how things were going and how everyone was doing. One day, CLIFTON called and told DEVONNE, T.M., and K.H. that they all needed to stay together. If they were to separate, there would be a greater likelihood that one person would talk. At one point, CLIFTON apologized for putting everyone in that position as the events that transpired were not supposed to happen the way that they did. He admitted that he had made a mistake and apologized to DEVONNE. CLIFTON claimed that they were supposed to remove Richard from the residence, but when CLIFTON saw Richard, anger got the best of him.

13. K.H. cleaned the room as instructed. She explained that she was scared during this time, and felt CLIFTON was watching her every move. K.H. was aware that CLIFTON had murdered someone before. K.H. thought that if she tried to leave, CLIFTON or THOMAS would kill her. K.H. stayed and continued to clean until she believed her life was in even more immediate danger. CLIFTON eventually let her leave, and K.H. went to her grandmother's house, where her grandmother contacted GRPD.

14. K.H. provided investigators a picture of the blanket that the body had been wrapped in, although she did not have a picture of the body in the blanket:



15. After taking K.H.'s statement, GRPD arranged to conduct a welfare check at the scene of the alleged murder, as soon as reasonably possible, to check on Richard's three-year-old daughter, who was still at DEVONNE's residence. During the welfare check, GRPD located Richard's daughter, along with CLIFTON, DEVONNE, and T.M. Investigators conducted a protective sweep of the home, and came across a bedroom that had a dead bolt lock on the outside. Detectives made entry to this bedroom and immediately observed a commercial style mop bucket and mop inside the empty bedroom. The room had a strong odor of bleach. Officers indicated that, while exiting the room, they saw a smear of what appeared to be dried blood on the wall near the light switch.

16. The residence was secured and searched pursuant to a tribal search warrant.

17. The room believed to belong to Richard was void of furniture and belongings. Many items that appear to have belonged to Richard had been moved to the master bedroom, just as K.H. had described.

18. Evidence technicians swabbed various areas in the empty room. Later forensic testing revealed: (1) swabs from the window had blood originating from one male with "strong evidence" that it is Richard's blood (based on comparison with Richard's

mother's DNA); and (2) swabs from the window blinds had blood, with male DNA, two contributors, and "strong support" that one of the contributors is Richard.

19. A toddler bedframe believed to belong to Richard's minor daughter was found in the master bedroom, covered in a red blood-like substance. Later forensic testing revealed that swabs from the bed frame had blood, male DNA, two contributors, and "strong support" that one of the contributors is Richard.

20. T.M. was interviewed and said that on the morning of Saturday, August 29, 2020, she and K.H. were in the master bedroom with two children. She heard four loud, quick gunshots. When T.M. left the room, DEVONNE, CLIFTON, and a person she believed to be THOMAS were sitting at a table. T.M. left the home but returned later that evening. After that, K.H. was in Richard's room for two days, and T.M. did not know what she was doing. K.H. was acting weird. T.M. said that at some point, DEVONNE had asked her to move a gun from the hallway bathroom into the master bedroom closet.

21. GRPD found this firearm during their search of DEVONNE's home where T.M. said it would be. It is a black Glock .22, Serial No. AEHA885. Forensic testing later revealed that: (1) swabs from the front sight and barrel have male DNA from one male and there is "strong support" that it is Richard's blood; and (2) swabs from the textured areas on the pistol have male DNA, three contributors, "moderate support" that one contributor is Richard, and "strong support" that one of the contributors is CLIFTON. The firearm was found in a plastic bag inside a mug. Forensic testing revealed that there is a palmprint on the plastic bag that did not match palmprints on record for CLIFTON, THOMAS, or T.M. DEVONNE's palmprint was not available for testing, and is therefore one reason for this requested search warrant.

22. Another adult resident of the home, E.C., was interviewed. E.C. said that his room was directly next to Richard's bedroom. E.C. said that he was woken up by

approximately three gunshots at approximately 10:00 a.m. E.C. believed the gunshots came from a .22 caliber gun. E.C. stated he heard someone say, "You son of a bitch," after hearing the gunshots. During the interview, E.C., appeared visibly shaken and was crying. E.C. told investigators he feared for his safety.

23. DEVONNE was interviewed and said that she had just recently met CLIFTON, and he had been in prison for approximately 20 years. He had come to her residence approximately two weeks prior and stayed with her for a couple days. She believed that the police had come to her residence on this day because CLIFTON had not checked in with his probation officer. She claimed that Richard had stayed with her until approximately two weeks prior to the interview. DEVONNE hadn't seen Richard in a couple of weeks. The only time he would talk to her was if he needed her to watch his daughter. DEVONNE said that CLIFTON had been at her residence around the 26th or 27th of August 2020. He and DEVONNE had gotten into an argument, and she left for the night. On that night, she, CLIFTON, and THOMAS had been at her residence drinking. DEVONNE stated that she and K.H. were getting into arguments frequently. DEVONNE was confronted about the blood found in Richard's room. DEVONNE said that K.H. cut her wrists a "thousand times" in Richard's room.

24. Richard's body was not found at DEVONNE's residence. He was entered into NCIC as a missing person. His vehicle was listed as a vehicle of interest and contact information for the GRPD was listed in case the vehicle was located.

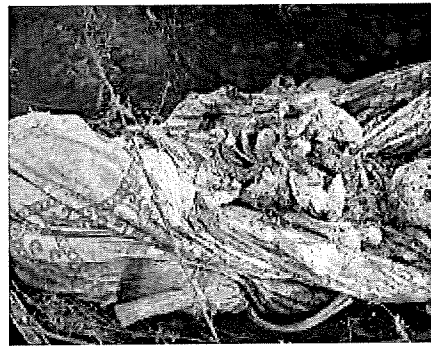
25. On September 13, 2020, Richard's vehicle was located in Parker, Arizona. (Note that THOMAS is an enrolled member of the Colorado River Indian Tribes, which is a federally recognized tribe near Parker.) The car had fake plates, and the person who had been driving it said he had recently purchased it for \$400 from a friend.

26. On September 22, 2020, K.H. was interviewed again. Among other things, she said that CLIFTON said he shot and killed Richard, and wanted DEVONNE, K.H., and T.M. to understand why he had done it. CLIFTON said that when he saw him, he just saw red and pulled the trigger. He also mentioned an incident that may have happened with one of his female acquaintances.

27. On October 1, 2020, THOMAS was arrested on unrelated charges. The next day, investigators read him his Miranda rights, and he agreed to provide a statement. Relevant here, THOMAS said that he had last seen CLIFTON towards the end of August 2020, when CLIFTON was released from the Maricopa County Jail. While he could not remember the day at the end of August 2020, THOMAS and DEVONNE met CLIFTON on the Salt River Pima-Maricopa Indian Community, and later went to DEVONNE's residence. When they arrived at DEVONNE's residence, he met K.H. for the first time. THOMAS also observed a small "white girl" that he had never seen before. He did not see her parents and believed she was adopted. (Note that Richard and his daughter are not Native American.) CLIFTON kept referring to "Warrior Society" business and tried to get THOMAS involved. CLIFTON was "rambling" about "some dude" in "some house" that CLIFTON had a problem with. Ultimately, THOMAS observed a set of keys sitting on the kitchen table. He proceeded to grab the keys, go outside, and steal the vehicle that was in DEVONNE's driveway. He was shown a picture of Richard's car, and confirmed that it was the vehicle he had stolen. THOMAS denied any knowledge of Richard or his disappearance.



28. On February 22, 2021, human remains were located by Salt River Police Department. The body was wrapped in a blanket remarkably similar to the blanket previously described by K.H.:



29. A medical examiner determined that the male individual's cause of death was multiple gunshot wounds, and manner of death was homicide. There were defects in the right side of his cranium and neck consistent with projectile trauma, and four projectile fragments recovered from his brain tissue. Later DNA testing of a femur bone matched with CODIS records for Richard.

30. On April 19, 2023, additional evidence that was collected from DEVONNE's residence was released from GRPD to the FBI for processing by the FBI Laboratory, including swabs from the east hallway of the residence, a hospital gown with a red substance, a mop head that was in a mop bucket, and window blinds with a red substance. Given the evidentiary value of these and other items, I request this search warrant to obtain DEVONNE's fingerprints, palmprints, and DNA for comparison with forensic evidence that may be found on these items. Fingerprints and DNA from CLIFTON and THOMAS have already been obtained.

31. For reasons set forth above, there is probable cause to believe that DEVONNE was present at the time of the shooting and assisted with handling and disposing of evidence related to Richard's assault and murder. It is necessary to compare

her DNA and prints to forensic evidence that has been and will be found in and on the articles recovered from her residence.

**CONCLUSION**

32. For these reasons, I respectfully submit that there is probable cause to believe that the evidence described in Attachment B is located on the body of DEVONNE BETH HAMALOWA, more fully described in Attachment A, and will support the investigation into to the charges in the indictment. I therefore respectfully request that the Court issue the requested search warrant.

This affidavit was sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose. I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted this 20th day of April, 2023

**DANIEL BAKER** Digitally signed by DANIEL BAKER  
Date: 2023.04.20 07:46:25 -07'00'

DANIEL F. BAKER  
Special Agent, Federal Bureau of Investigation

Subscribed and sworn to telephonically, this 20<sup>th</sup> day of April, 2023.

  
HONORABLE JOHN Z. BOYLE  
United States Magistrate Judge, District of Arizona